

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MICHAEL W. RICKARD, II,

Plaintiff,

v.

ORDER
08-CV-674A

WESTERN NEW YORK INDEPENDENT
LIVING PROJECT, INC.,

Defendant.

The above-referenced case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1)(B). On April 30, 2009, Magistrate Judge Schroeder filed a Report and Recommendation, recommending that defendant's motion to dismiss the complaint pursuant to Fed.R.Civ.P. 12(b)(6) be granted.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Schroeder's Report and Recommendation, defendant's motion to dismiss the complaint is granted and the complaint is dismissed in its entirety. The Clerk of Court is directed to enter judgment in favor of defendant and close the case.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: May 22 , 2009